APPENDIX.

The statutes involved are as follows:

RECOVERY FOR INJURY TO OR DEATH OF SEAMAN. Any seaman who shall suffer personal injury in the course of his employment may, at his election, maintain an action for damages at law, with the right of trial by jury, and in such action all statutes of the United States modifying or extending the common-law right or remedy in cases of personal injury to railway employees shall apply; and in case of the death of any seaman as a result of any such personal injury the personal representative of such seaman may maintain an action for damages at law with the right of trial by jury, and in such action all statutes of the United States conferring or regulating the right of action for death in the case of railway employees shall be applicable. Jurisdiction in such actions shall be under the court of the district in which the defendant employer resides or in which his principal office is located. (Mar. 4, 1915, c. 153, §20, 38 Stat. 1185; June 5, 1920, c. 250, §33, 41 Stat. 1007.)

46 *U. S. C. A.* Sec. 688.

LIABILITY OF COMMON CARRIERS BY RAILROAD, IN INTERSTATE OR FOREIGN COMMERCE, FOR INJURIES TO EMPLOYEES FROM NEGLIGENCE. Every common carrier by railroad while engaging in commerce between any of the several States or Territories, or between any of the States and Territories, or between the District of Columbia and any of the States or Territories, or between the District of Columbia or any of the States or Territories and any foreign nation or nations, shall be liable in damages to any person suffering injury while he is employed by such carrier in such commerce, or, in case of the death of such

employee, to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee; and, if none, then of such employee's parents; and, if none, then of the next of kin dependent upon such employee, for such injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier, or by reason of any defect or insufficiency, due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment. (Apr. 22, 1908, c. 149, §1, 35 Stat. 65.)

45 *U. S. C. A.* Sec. 51.

CONTRIBUTORY NEGLIGENCE; DIMINUTION OF DAMAGES. In all actions hereafter brought against any such common carrier by railroad under or by virtue of any of the provisions of this chapter to recover damages for personal injuries to an employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee: *Provided*, That no such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee. (Apr. 22, 1908, c. 149, §3, 35 Stat. 66.)

45 *U. S. C. A.* Sec. 53.

ASSUMPTION OF RISKS OF EMPLOYMENT. In any action brought against any common carrier under or by virtue of any of the provisions of this chapter to recover damages for injuries to, or the death of, any of its employees,

such employee shall not be held to have assumed the risks of his employment in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee. (Apr. 22, 1908, c. 149, §4, 35 Stat. 66.)

45 *U. S. C. A.* Sec. 54.

CONTRACT, RULE, REGULATION, OR DEVICE EXEMPTING FROM LIABILITY; SET-OFF. Any contract, rule, regulation, or device whatsoever, the purpose or intent of which shall be to enable any common carrier to exempt itself from any liability created by this chapter, shall to that extent be void: *Provided,* That in any action brought against any such common carrier under or by virtue of any of the provisions of this chapter, such common carrier may set off therein any sum it has contributed or paid to any insurance, relief benefit, or indemnity that may have been paid to the injured employee or the person entitled thereto on account of the injury or death for which said action was brought. (Apr. 22, 1908, c. 149, §5, 35 Stat. 66.)

45 *U. S. C. A.* Sec. 55.

ACTIONS; LIMITATION; CONCURRENT JURISDICTION OF COURTS; REMOVAL OF CASE IN STATE COURT. No action shall be maintained under this chapter unless commenced within two years from the day the cause of action accrued.

Under this chapter an action may be brought in a district court of the United States, in the district of the residence of the defendant, or in which the cause of action arose, or in which the defendant shall be doing business at the time of commencing such action. The jurisdiction of the courts of the United States under this chapter shall be concurrent with that of the courts of the several

States, and no case arising under this chapter and brought in any State court of competent jurisdiction shall be removed to any court of the United States. (Apr. 22, 1908, c. 149, §6, 35 Stat. 66; Apr. 5, 1910, c. 143, §1, 36 Stat. 291.)

45 *U. S. C. A.* Sec. 56.

SURVIVAL OF RIGHT OF ACTION OF PERSON INJURED. Any right of action given by this chapter to a person suffering injury shall survive to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee, and, if none, then of such employee's parents; and, if none, then of the next of kin dependent upon such employee, but in such cases there shall be only one recovery for the same injury. (Apr. 5, 1910, c. 143, §2, 36 Stat. 291.)

45 *U. S. C. A.* Sec. 59.

DUTIES, FUNDS, AND PROPERTY OF PUBLIC HEALTH SERVICE; CARE OF SICK AND DISABLED SEAMEN. The care of sick and disabled seamen and all other duties formerly required by law to be performed by the Marine Hospital Service shall be performed by the Public Health Service, and all funds, properties, and rights pertaining to said Mairne Hospital Service shall be available for use for like purposes and in like manner by the Public Health Service. (July 1, 1902, c. 1370, §1, 32 Stat. 712; Aug. 14, 1912, c. 288, §1, 37 Stat. 309.)

42 *U. S. C. A.* Sec. 6.

NOTE: The statutes hereinabove set forth are printed as they were at the time of the adoption of the Jones Act.